

The Mayor and Council of the City of Fairbury met in the Council Chambers located at 612 D Street, Fairbury, Nebraska, on the 6th day of April 2021, at 7:30 PM. Mayor Brown called the meeting to order.

Notice of meeting was given in advance thereof, and the Open Meetings Act was posted in the meeting room and pointed out by Mayor Brown as required by law.

Roll call found the following Council Members present- Doug Brown, Tim Polson, Phil Rogge, Brian Schmidt, John Ebke, Kelly Davis, and Bradley Kuzelka (via zoom). Absent: Rick Carmichael

Mayor Brown called for the submittal of forms to request future agenda items. No forms were submitted during the meeting.

Mayor Brown read the Consent Agenda:

1. Approval of the minutes of the regular meeting of March 16, 2021
2. Approval of Claims \$883,651.31
3. Consider re-appointment of Cathy Kline to the Planning Commission
4. Consider re-appointment of Cody Moyer to the Planning Commission
5. Consider re-appointment of Ron Schacht to the Planning Commission
6. Consider appointment of Thayne Tatro to the Planning Commission
7. Consider appointment of Brian Schmidt to the Economic Development Review Committee (LB840)
8. Consider appointment of Sandra Bauer to the Economic Development Review Committee (LB840)

Rogge moved to approve the minutes of the regular meeting of Council on March 16, 2021, \$883,651.31 in claims, re-appointment of Cathy Kline to the Planning Commission, re-appointment of Cody Moyer to the Planning Commission, re-appointment of Ron Schacht to the Planning Commission, appointment of Thayne Tatro to the Planning Commission, appointment of Brian Schmidt to the Economic Development Review Committee (LB840), and appointment of Sandra Bauer to the Economic Development Review Committee (LB840). Motion was seconded by Ebke. On roll call vote: Rogge, Polson, Ebke, Davis, Brown, Kuzelka, and Schmidt voting “yes.” Motion carried.

Next item of business: **Public Hearings/Presentations:**

Public Hearing regarding the proprietary budget and budget summary for the City of Fairbury Utilities for May 1, 2021 to April 30, 2022. Renn presented Council with the overall proposed budget numbers of \$18, 156,750.00 which does include the wastewater treatment plan upgrade and the water source projects. When excluding these projects, the budget expenditures are slightly lower to last year’s budget. Water is allocated \$3,200,500.00, Sewer \$4,205,500.00, and Light \$10,751,750.00. All three utilities are slated for major infrastructure improvements that are overdue. Renn stated the City needs to continue to invest in the infrastructure with cash and low interest funding. The Wastewater department is the least financially stable enterprise fund. A cost service study is currently being prepared as the last increase was 12 years ago, in 2009. The proprietary funds are in the best financial position as compared to past years. The City has seen a lower load consumption in which a small decline in revenue is expected to be seen.

Public Hearing- Municipal Energy Agency of Nebraska (MEAN) presentation on generation. Mean was present- and discussed how their program works. MEAN is made up of 69 communities and offer an abundance of knowledge and resources to their members such as planning, engineering, compliance, regulatory, financial, and governmental affairs assistance. The current MEAN portfolio shows a need to replace expiring contracts in the 2023-2024 years. Portable options of generation were presented. The City could place these in spots where the need would be most needed in case of an emergency or long-term outage.

Public Hearing- Olsson's presentation of wastewater sewer rate increases effective FY 2021-2022. A cost-of-service study was prepared and discussed in which the sewer uses from April 2016 to March 2020 were utilized for purposes of the study. It was discovered usage between various user classes shows a percentage disparity and it was also noted there were no meter size differentiation. Residential consumers are subsidizing other users. Surcharges for industrial wastes had not been previously charged and billed prior to 2020. The goal is to maintain \$500,000.00 in cash reserves annually. Craig Reinsche did re-iterate there would be a large increase since rates have not been adjusted for 12 years. Calculated rates with single, two, and four steps were discussed. Single Step implementation was recommended from the committee that met previously.

Next item of business: **Current Business**

Mayor Brown introduced the first item of current business, "Consider Wastewater sewer rate increase effective FY 2021-2022." With no further questions, Councilperson Brown motioned to approve Wastewater sewer rate increase effective FY 2021-2022 implemented with a single step and including the BOD, FOG charges as presented. Motion was seconded by Schmidt. On a roll call vote: Polson, Brown, Ebke, Davis, Kuzelka, and Schmidt voting "yes." Rogge voting NO- Motion carried.

Mayor Brown introduced the next item of current business, "Consider recommendation from the finance and keno committee regarding the proprietary budget and budget summary for the City of Fairbury Utilities for May 1, 2021 to April 30, 2022." With no further questions, Polson moved to approve the finance and keno's recommendation regarding the proprietary budget and budget summary for the City of Fairbury Utilities for May 1, 2021 to April 30, 2022. Motion was seconded by Brown. On a roll call vote: Polson, Brown, Rogge, Ebke, Kuzelka, Davis, and Schmidt voting "yes." Motion carried.

Mayor Brown introduced the next item of current business, "Consider the public works committee recommendation of allowing the Shrine Club the use of the City Park, barricades, dumpsters, water and electricity from July 1st to July 5th, 2021 for the annual 4th of July Flea market." Councilperson Rogge said that Public Works had met earlier to discuss the topic and recommends approving. They have added 2 additional days to the event. With no further questions Rogge motioned to approve public works committee recommendation of allowing the Shrine Club the use of the City Park, barricades, dumpsters, water, and electricity from July 1st to July 5th, 2021 for the annual 4th of July Flea market. Motion was seconded by Polson. On a roll call vote: Polson, Brown, Rogge, Ebke, Kuzelka, Davis, and Schmidt voting "yes." Motion carried.

Mayor Brown introduced the next item of current business, "Consider public works committee recommendation to install a memorial bench and tree at the City Park Cloverleaf fields." With no further questions Councilperson Rogge motioned to approve public works committee recommendation to install a memorial bench and tree at the City Park Cloverleaf fields. Motion was seconded by Schmidt. On a roll call vote: Polson, Brown, Rogge, Kuzelka, Ebke, Davis, and Schmidt voting "yes." Motion carried.

Mayor Brown introduced the next item of current business, "Consider the Nebraska Warn Water and Wastewater and Stormwater mutual aid agreement for the City of Fairbury and authorizing City Administrator Mary Renn to sign the agreement effective immediately." Renn stated this an agreement to participate in mutual aid for water and wastewater if the need would arise. There is no cost to the City and the City can exit the agreement at any time. With no further questions Councilperson Schmidt motioned to approve the Nebraska Warn Water and Wastewater and Stormwater mutual aid agreement for the City of Fairbury and authorizing City Administrator Mary Renn to sign the agreement effective immediately. Motion was seconded by Davis. On a roll call vote: Polson, Brown, Kuzelka, Rogge, Ebke, Davis, and Schmidt voting "yes." Motion carried.

Mayor Brown introduced the next item of current business, "Consider the preliminary approval of the interlocal cooperation agreement between the Little Blue Natural Resources District and the City of Fairbury and authorizing the City Administrator Mary Renn to sign the agreement upon approval of funding from the USDA for the water sourcing project." With no further questions Councilperson Schmidt moved to approve the preliminary approval of the interlocal cooperation agreement between the Little Blue Natural Resources District and the City of Fairbury and authorizing the City Administrator Mary Renn to sign the agreement upon approval of funding from the USDA for the water sourcing project. Motion was seconded by Rogge. On a roll call vote: Polson, Brown, Kuzelka, Rogge, Ebke, Davis, and Schmidt voting "yes." Motion carried.

Mayor Brown introduced the next item of current business, "Consider filing an application for funding with CWSRF (Clean Water State Revolving Fund) at 0% interest for wastewater treatment plant improvements and authorizing Mayor Brown to sign/execute any and all related documents." City Administrator Renn indicated that this is a 2-phase process with the first phase stemming from a 2018 study and would include maintenance and the second phase would deal with clarifiers and valves. Total project amount is 3.5million with a loan term of 20-30 years. The last updates to the plant were made in 1998. There would not be a need for a public hearing or review period as all construction would be done on property currently owned by City. The application takes 30-60 day from start to finish. With no further questions Councilperson Davis moved to approve filing an application for funding with CWSRF (Clean Water State Revolving Fund) at 0% interest for wastewater treatment plant improvements and authorizing Mayor Brown to sign/execute any and all related documents. Motion was seconded by Ebke. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting "yes." Motion carried.

Mayor Brown introduced the next item of current business, "Consider approving the letter of conditional (LOC) from the USDA Rural Development for financial assistance in the amount of \$4,267,001. To complete the application for the water improvement/sourcing project and authorizing Mayor Brown to sign/execute any and all related documents." With no further questions Councilperson Davis moved to approve the letter of conditional (LOC) from the USDA Rural Development for financial assistance in the amount of \$4,267,001. To complete the application for the water improvement/sourcing project and authorizing Mayor Brown to sign/execute any and all related documents. Motion was seconded by Rogge. On a roll call vote: Polson, Brown, Rogge, Ebke, Kuzelka, Davis, and Schmidt voting "yes." Motion carried.

Mayor Brown introduced the next item of current business, "Consider approval of SideTrek Bar and Grill's request for a special designated liquor license on May 1, 2021 at 1704 F Street, Fairbury (Schramm Residence, graduation party, 4PM-1AM). Discussion was held as to if alcohol was being sold and why this needed to occur. It was explained that this is a catering type scenario that alleviated the liability from the homeowner. With no further questions Councilperson Schmidt moved to approve the request by the SideTrek Bar and Grill's request for a special designated liquor license on May 1, 2021 at 1704 F Street, Fairbury (Schramm Residence, graduation party, 4PM-1AM). Motion was seconded by Ebke. On a roll call vote: Polson, Kuzelka, Brown, Rogge, Ebke, Davis, and Schmidt voting "yes." Motion carried.

Mayor Brown introduced the next item of current business, "Consider approval of manager name change on liquor license for Ray's Apple Market from Mike Floersch to new store manager, Thomas E Furrow." With no further questions Councilperson Schmidt moved to approve the manager name change on liquor license for Ray's Apple Market from Mike Floersch to new store manager, Thomas E Furrow. Motion was seconded by Rogge. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting "yes." Motion carried.

RESOLUTIONS AND ORDINANCES:

Resolution 1147 amending resolution 656 providing for the creation of a standing economic development review committee. With no further questions, Rogge moved to approve Resolution 1147 amending resolution 656 providing for the creation of a standing economic development review committee. Motion was seconded by Ebke. On a roll call vote: Polson, Brown, Kuzelka, Rogge, Ebke, Davis, and Schmidt voting "yes." Motion carried.

Ordinance 3093 amending Fairbury municipal code 71.55 adding a 10MPH (mile per hour) alley speed limit to the general speed limits within the City of Fairbury. With no further questions, Schmidt moved to approve the second reading of Ordinance 3093, amending Fairbury municipal code 71.55 adding a 10MPH (mile per hour) alley speed limit to the general speed limits within the City of Fairbury. Motion was seconded by Rogge. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, Kuzelka, and Schmidt voting "yes." Motion carried.

Ordinance 3094 amending section 9.04 of the 2013 Fairbury Nebraska Zoning Regulations allowing for privacy fencing within street side yards. With no further questions, Rogge moved to approve the second reading of Ordinance 3094, amending section 9.04 of the 2013 Fairbury Nebraska Zoning Regulations

allowing for privacy fencing within street side yards. Motion was seconded by Schmidt. On a roll call vote: Polson, Brown, Kuzelka, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Ordinance 3095 amending section 5.06 of the 2013 Fairbury Nebraska Zoning Regulations to allow for outdoor storage containers as a conditional use in the residential commercial flex (rcf), highway commercial (c-3), general commercial (c-2) and downtown commercial (c-1) districts. NO MOTION, ORDINACE 3095 FAILS

Reports/Discussion:

City Administrator- An insurance dividend check was received for good claims in the estimated amount of \$35,000.

Mayor- None

Committee- None

Consider authorizing subsequent steps in litigation. Motion by Schmidt to enter executive session to protect the interest of the public @ 9:10PM. Motion was second by Davis. On a roll call vote: Polson, Brown, Rogge, Kuzelka, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

No decision made; Rogge motioned to enter regular session at 9:36PM. Second by Ebke. On a roll call vote: Polson, Brown, Rogge, Kuzelka, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

Rogge motioned to accept the decision of the Power Review Board regard case of Mark Deboer and not appeal the decision. Motion second by Ebke. On a roll call vote: Ebke, Rogge, Kuzelka, and Davis voting “yes”. Brown, Polson, and Schmidt voting “no.” Motion carried.

Mayor Brown then entertained a motion to adjourn. Rogge moved to adjourn. Motion seconded by Schmidt. On a roll call vote: Polson, Brown, Rogge, Ebke, Davis, and Schmidt voting “yes.” Motion carried.

The meeting adjourned at 9:40 PM.

Spencer Brown, Mayor

Date

Erin Reimer, City Clerk

Date